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health maintenance contract shall also provide coverage for prenatal care, childbirth and post partum care as set forth in section forty-seven D of chapter one hundred and seventy-five.

Approved December 31, 1985.

Chapter 716. AN ACT ESTABLISHING A COMMISSION FOR THE DEAF AND HARD OF HEARING.

Be it enacted, etc., as follows:

SECTION 1. Sections eighty-four A to eighty-four I, inclusive, of chapter six of the General Laws are hereby repealed.

SECTION 2. Chapter 6 of the General Laws is hereby amended by adding the following nine sections:–

Section 191. As used in sections one hundred and ninety-one to one hundred and ninety-nine, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:–

"Commission", the commission for the deaf and hard of hearing.

"Commissioner", the commissioner of the commission for the deaf and hard of hearing.

"Deaf", a condition of or person with severe or complete absence of auditory sensitivity where the primary effective receptive communication mode is visual or tactile or both.

"Deaf community", a cultural minority with distinct modes of visual and tactile communication, languages and social mores.

"Hard of hearing", a condition of or person with some absence of auditory sensitivity with residual hearing which may be sufficient to process linguistic information through audition with or without amplification under favorable listening conditions, or a condition of or person with other auditory handicapping conditions.

Section 192. There shall be a commission for the deaf and hard of hearing to be known as the Massachusetts commission for the deaf and hard of hearing consisting of a commissioner and an advisory board in this section and sections one hundred and ninety-three to one hundred and ninety-nine, inclusive.

The commission may apply for and accept on behalf of the commonwealth any federal, local or private grants, bequests, gifts or contributions to aid in the financing of any of the programs or policies of the commission. Such funds shall be received by the state treasurer on behalf of the commonwealth and deposited in a separate account and shall be expended, in accordance with state law relative to appropriation, under the direction of the commissioner.

The commission may make agreements with other departments and agencies of the commonwealth and may contract with other individuals, organizations, corporations, associations or other legal entities including private agencies, or any other departments or agencies of the federal government, the commonwealth or any political subdivisions thereof, to

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carry out any of its functions and procedures.

The commissioner, pursuant to the provisions of chapter thirty A shall make, and from time to time revise, such regulations as may be necessary to carry out the functions of said commission including, but not limited to, eligibility requirements for receipt of various services.

Section 193. The secretary of human services shall appoint, with the approval of the governor, the commissioner. Said commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty and he shall devote his full time during business hours to the duties of his office. Every effort shall be made to locate and appoint a deaf or hard of hearing commissioner. Said commissioner shall be experienced in the administration and delivery of services to deaf and hard of hearing persons, and shall be fluent in sign language.

Said commissioner shall be the executive and administrative head of the commission. Said commissioner shall establish divisions and regional offices subject to appropriation. Said commissioner may appoint and remove such directors, assistants, supervisors, consultants and other agents as, from time to time, may be necessary to enable him to perform his duties. Every effort shall be made to locate and appoint deaf and hard of hearing personnel.

The provisions of chapter thirty-one shall not apply to the office of commissioner or of any deputy commissioner, assistant to the commissioner, assistant commissioner, director or regional director or other employees as the commissioner may appoint.

Section 194. The commission shall serve as the principal agency of the commonwealth, on behalf of deaf and hard of hearing persons, shall advocate, provide and coordinate promulgation of public policies, regulations and programs, shall improve accessibility and quality of existing services and shall promote development of new services when necessary. In the performance of this function, the commission shall increase public awareness of deaf and hard of hearing individuals and shall provide services to the deaf and hard of hearing population including but not limited to interpreting services, telecommunication liaison services, information and referral, case management and social services, independent living services and access to telecommunication and assistive listening devices. The commission shall determine the extent and availability of services to deaf and hard of hearing individuals within the commonwealth, determine the need for further services, make recommendations to the governor and shall file a copy thereof with the state secretary.

Section 195. The governor shall appoint an advisory council of no fewer than twelve and no more than twenty members. Persons shall be eligible for appointment if their position, knowledge or experience enables them to represent the concerns, needs and recommendations of deaf and hard of hearing persons, and if they have been nominated by the commissioner. The majority of council members shall be deaf. At least one council member shall be hard of hearing. Each member shall serve for a term of four years.

The commissioner shall nominate persons whose service will assure

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representation of the interests of parents, interpreters, the deaf community and deaf and hard of hearing persons from all geographic areas of the commonwealth. The commissioner's nominations shall be names from a list provided by consumer groups and individuals representing such parents, interpreters and deaf and hard of hearing persons.

Advisory council members shall elect a chairperson, shall meet at least eight times per year, and shall serve without compensation. They shall be reimbursed for expenses necessarily incurred in the performance of their duties.

Section 196. The commission shall maintain and coordinate a statewide interpreter referral service for use by any public and private agencies and individuals for any situations including emergencies.

Departments and agencies of the commonwealth and other public and private agencies and individuals shall reimburse the commission where so required by the commission's regulations for the compensation and travel expenses of any interpreter appointed by the commission pursuant to this section, but said departments, agencies and individuals shall not reimburse the commission for indirect costs or fringe benefits paid to such interpreter. The commission is authorized to treat reimbursements of prior year expenditures for the services of interpreters as reimbursements of current year expenditures for such services. Monies collected under the provisions of this section shall be retained by the commission in a revolving fund or funds, and shall be expended subject to the approval of the secretary of the executive office of human services and the state comptroller to purchase interpreter services; provided, however, that the commission shall provide quarterly reports to the house and senate committees on ways and means detailing the amounts of revenues received or expended under this section. Said fund or funds shall be subject to annual audit by the state auditor.

The commission is authorized to work with the board of regents, the department of education and private institutions to insure ongoing interpreter educational programs designed to increase the number of competent interpreters.

Section 197. Subject to the appropriation of funds therefor, the commission shall purchase, pursuant to sections fifty-one and fifty-two of chapter thirty, telecommunication devices for the deaf and shall rent, lease or sell such equipment to persons certified by the commission pursuant to its regulations as deaf or severely hard of hearing, at terms or prices which are fair and reasonable; provided, however, that no such device shall be sold by the commission at a price less than one-half of the wholesale market price of such device prevailing at the time of sale. The commission shall promulgate regulations to implement the provisions of this section. Such regulations shall include a schedule of fees to be charged for such rentals or sales and shall be based upon a consideration of the circumstances, need and annual income of the deaf or severely hard of hearing person seeking such equipment. Monies collected under the provisions of this section shall be retained by the commission in a revolving fund or revolving funds, and shall be expended subject to the approval of the secretary of the executive office of human services and

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the state comptroller to purchase telecommunication devices for the deaf; provided that the commission shall provide quarterly reports to the house and senate committees on ways and means detailing the amounts of revenues received or expended under this section. Said fund or funds shall be subject to annual audit by the state auditor.

Section 198. In order to facilitate appropriate delivery of state services to deaf and hard of hearing individuals the commission shall advise other agencies of the needs of deaf and hard of hearing persons and shall, subject to appropriation, provide such resources as other agencies reasonably request.

Section 199. All records pertaining to clients and applicants of the commission and all personal and medical information or records given or made available to the commission, including but not limited to, names and addresses of clients and applicants, shall be confidential and for the exclusive use of the commission in the discharge of its duties. Notwithstanding any other general or special law to the contrary, the commission may publish information in statistical form without disclosing the identity of the clients or applicants involved.

SECTION 3. Section 16 of chapter 6A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "commission", in line 32, the words:– ; and the Massachusetts commission for deaf and hard of hearing people and its advisory board.

SECTION 4. Section 92A of chapter 221 of the General Laws, as so appearing, is hereby amended by striking out, in line 69, the words "office of deafness" and inserting in place thereof the words:– commission for the deaf and hard of hearing, established pursuant to the provisions of section one hundred and ninety-two of chapter six.

SECTION 5. Said section 92A of said chapter 221, as so appearing, is hereby further amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:–

A client has a privilege to prevent a certified sign language interpreter from disclosing a confidential communication between one or more persons where the communication was facilitated by said interpreter. For purposes of this paragraph a client is a person rendered interpreting services by an interpreter; a communication is confidential if a client has a reasonable expectation or intent that it not be disclosed to persons other than those to whom such disclosure is made.

SECTION 6. Within its initial two years of operation, the commission shall undertake a study of state agencies providing services to the deaf or hearing impaired for the purposes of identifying which services offered by such agency may appropriately be transferred to the commission.

SECTION 7. This act shall take effect on July first, nineteen hundred and eighty-six.

Approved December 31, 1985.